

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for courtesies extended during the telephone interview on July 26, 2006.

Disposition of Claims

Claims 1, 6, 8, 9, 30, 32, 34, 54, 59, 64, and 69-75 were pending in the application. Claims 30, 32, 54, 59, and 70-71 have been cancelled by this reply without prejudice or disclaimer. Therefore, claims 1, 6, 8, 9, 34, 64, 69, and 72-75 are pending after the amendments. Claims 1, 34, and 73 are independent. The remaining claims depend, directly or indirectly, from claims 1, 34, and 73.

Claim Amendments

Independent claims 1, 34, and 73 have been amended to clarify the invention. Specifically, the aforementioned independent claims have been amended to clarify that: (i) the digital identity data identifies an owner of the digital identity device; (ii) the digital identity data comprises a name of the owner; and (iii) the microprocessor identity includes an alpha-numeric value (*i.e.*, the microprocessor includes at least one numeric character (*e.g.*, 0-9) and at least one alpha character (*e.g.*, A-Z or a-z)). Support for the aforementioned amendments may be found, for example, on pages 7 and 15 of the referenced application as well as in originally filed claim 6.

Claim 73 has been amended to clarify that the operating system is configured to bind the digital identity data to the microprocessor identity.

Claims 6, 64, and 74 have been amended to remove: “a name”, “bank account information”, “an incorporation name”, “a date and place of incorporation”, “a name of a corporate officer”, and “a corporate partner.”

Finally, claims 69, 72, and 75 have been amended to address antecedent basis and clarity issues arising from the amendments made to independent claims 1, 34, and 72, respectively. No new matter has been added by any of the aforementioned amendments.

Rejections under 35 U.S.C. §103

Claims 1, 6, 8, 9, 30, 32, 54, 59, 69-72 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,623,637 (“Jones”) in view of U.S. Patent No. 5,237,610 (“Gammie”) and an article entitled “The Trustworthy Digital Camera: Restoring Credibility To the Photographic Image” (“Friedman”). Claims 30, 32, 54, 59, and 70-71 have been cancelled by this reply. Accordingly, this rejection is moot with respect to the aforementioned claims. To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

As discussed above, independent claim 1 has been amended to clarify that: (i) the digital identity data identifies an owner of the digital identity device; (ii) the digital identity data comprises a name of the owner; and (iii) the microprocessor identity corresponds is an alpha-numeric value.

Turing to the rejection, “[t]o establish a *prima facie* case of obviousness ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” (See MPEP §2143). However, a *prima facie* case of obviousness may also be rebutted

by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997) (*see* MPEP §2144.05, III).

Claims 1, 6, 8, 9, 59, 69, and 72

A. Cited Prior Art References Fail To Teach Or Suggest Digital Identity Data Identifying An Owner

Independent claim 1, as amended, requires that the digital identity data identify an owner of the digital identity device. A review of cited prior art references reveals that none of them even contemplated using information associated with an owner of a device. Specifically, Jones and Gammie only teach users and are completely silent with respect to any embodiment in which user is the owner. *See* Jones, col. 8, ll. 4-34; *See* Gammie, col. 12, ll. 31-66. Further, Friedman only teaches identifying the manufacturer of the camera and not the owner. *See* Friedman, p. 908.

B. Cited Prior Art References Fail To Teach Or Suggest Using “a name of the owner”

The Examiner has asserted that the password in Jones is equivalent to the digital identity data recited in the claims. *See* Office Action mailed December 1, 2006, p. 3. In view of the above amendment, the password in Jones is clearly not equivalent to a name of an owner of the digital identity device. Further, a review of Jones has revealed that Jones is completely silent with respect to the concept of “a name of the owner” and, accordingly, is completely silent with respect to using “a name of the owner.” Moreover, Gammie and Friedman are completely silent with respect to using “the name of an owner.” In particular,

Gammie only teaches using serial numbers* and Friedman only teaches using public and private keys†.

C. Cited Prior Art References Fail To Teach Or Suggest “a microprocessor identity comprising an alpha-numeric value”

The Examiner has admitted that Jones does not teach or suggest a microprocessor identity as recited in the claims. *See* Office Action mailed December 1, 2006. Thus, it logically follows that Jones could not possibly teach or suggest a microprocessor identity that includes an alpha-numeric value. Further, Gammie and Friedman do not teach or suggest that which Jones lacks. Specifically, Gammie only teaches using serial numbers, which are preferably generated by a random number generator. *See* Gammie, Abstract and col. 14, ll. 8-9. Clearly a number generated using a random number generator cannot include alpha characters, as alpha characters are not numeric. Said another way, a number cannot be equated to an alpha character as the number is not part of the alphabet. Finally, Friedman also does not teach or suggest identifying a microprocessor using an alpha-numeric value; rather, Friedman is limited to a discussion of using private and public keys without any indication of the composition of such keys.

In view of the above, the cited prior art references, whether considered separately or in combination, failure to teach or suggest all the limitations of amended independent claim 1. Accordingly, amended independent claim 1 is patentable over the cited prior art references. Dependent claims are patentable for at least the same reasons. Further, amended

* *See e.g.*, Gammie, Abstract

independent claim 34 includes at least the same patentable limitations amended independent claim 1 and, thus, is patentable over the cited prior art references. Claim 72, which depends from amended independent claim 34, is patentable for at least the same reasons as amended independent claim 34.

Claims 69 and 72

Claims 69 and 72 recite “wherein the owner is a corporation, wherein the name is an incorporation name of the corporation, and wherein the digital identity data further comprises at least one selected from the group consisting of a date and place of incorporation of the corporation, a name of a corporate officer of the corporation, and a corporate partner of the corporation.” The Examiner has asserted that the digital signature created by the camera manufacture is equivalent to one of “a date and place of incorporation of the corporation, a name of a corporate officer of the corporation, and a corporate partner of the corporation.” *See* Office Action mailed December 1, 2006, pp. 6-7. Applicant fails to see how a digital signature generated by the manufacturer could be construed to be in any way equivalent to any of the pieces of information listed above. Further, in asserting such a position, the Examiner has improperly read out explicit limitations of the claims, which clearly require that the digital identity data include one of the aforementioned pieces of information as required by the claims. Moreover, a review of Jones and Gammie reveals that they are also both silent with respect to any of aforementioned pieces of information listed in claims 69 and 72.

[†] *See e.g.*, Friedman, p. 908

In view of the above, claims 69 and 72 are patentable over the cited prior art for this additional reason. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 34, 64, 73-75 stand rejected under 35 U.S.C. § 103 (a) as being obvious over Jones, Gammie, Friedman, U.S. Patent No. 6,567,915 ("Guthery") in view of U.S. Patent No. 6,111,506 ("Yap")[†]. To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

With respect to claims 34 and 64, amended independent claim 34 includes at least the same digital identity device as recited in amended independent claim 1. As discussed above with respect to amended independent claim 1, Jones, Gammie, and Friedman, whether considered separately or in combination, fail to teach or suggest all the limitations of the digital identity device of amended independent claim 1. Thus, the aforementioned references also do not teach or suggest all the limitations of the digital identity device of amended independent claim 34. Further, Gurtney, Yap and Paolini do not teach or suggest that which the aforementioned prior art references lack. This is evidenced by the fact that Gurtney, Yap and Paolini are only used to teach or suggest:

obtaining digital identity data from a digital identity device operatively connected to a computer in which the electronic document is stored; encrypting the electronic document using the digital identity data. See Office Action mailed December 1, 2007, pp. 7-8.

In view of the above, all of the cited prior art references, whether viewed separately or in combination, fail to teach or suggest all the limitations of amended independent claim 34.

[†] The Examiner also relies on U.S. Patent No. 6,847,948 ("Paolini") in rejecting claims 34 and 73; however, Paolini is not listed in the rejection.

Dependent claim 64 is patentable over all of the cited prior art references for at least the same reasons as amended independent claim 34.

With respect to claim 73, the Applicant notes that the Examiner does not appear to have properly addressed claim 73 in the Office Action mailed on December 1, 2006. Specifically, while the Office Action lists claim 73, the corresponding discussion on pages 7-9 fails to address at least the following explicit limitations in claim 73: (i) a digital identity device including two separate memories; (ii) digital identity data stored in the first memory; and (iii) an operating system in the second memory binding the digital identity data and the microprocessor identity.

In view of the above, the Examiner has not satisfied the requirements under 37 C.F.R. § 1.104. Accordingly, the Applicant requests withdrawal of the Office Action mailed December 1, 2006, and issuance of a new Office Action, which addresses all the limitations of independent claim 73.

Notwithstanding the above, the Applicant asserts that amended independent claim 73 includes at least the same patentable limitations as amended independent claim 1. Accordingly, amended independent claim 73 is patentable over the cited prior art references.[§]

With respect to claim 74, amended claim 74 depends from amended independent claim 73 and, thus, is patentable for at least the same reasons as amended independent claim 73.

With respect to claim 75, amended claim 75 depends from amended independent claim 73 and, thus, is patentable for at least the same reasons as amended independent claim 73. Further, dependent claim 75 is additionally patentable over the cited prior art for at least the same reasons as

[§] Applicant does not believe it is necessary to address the teachings of Guthery, Yap, and Paolini when addressing claim 73 as the aforementioned references were used to teach limitations only present in claim 34.

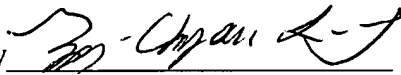
discussed above with respect to amended dependent claim 69. In view of the above, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 05452/002002).

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Respectfully submitted,

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